

2007 Amendments to the Definitions Addendum, Subdivision Ordinance and Shoreland Zoning Ordinance Regarding Community Docks

The Town of Harpswell Definitions Addendum shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend the Definitions Addendum as set forth below:

Community Dock -- A single wharf, pier, dock and/or float located on a lot in a subdivision approved by the Planning Board and having a common right of use by the association of homeowners having common rights of interest in the lot and which is used by the property owners for loading and unloading of passengers and/or cargo and the tying of dinghies.

The Town of Harpswell Subdivision Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 9, regarding Approval Standards, as set forth below:

9.17 Community Docks

For any subdivision located in whole or in part the Shoreland Zone, no new wharf, pier, dock and/or float shall be constructed to service only one lot if the upland area on which the wharf, pier, dock and/or float is proposed to be located may reasonably be arranged to service more than one lot, in which case the wharf, pier, dock and/or float may only be improved and used as a community dock for as many of the lots in the subdivision as it can reasonably accommodate. Community docks shall be reviewed and approved by the Planning Board in accordance with the terms of the Shoreland Zoning Ordinance.

The Town of Harpswell Shoreland Zoning Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 14, regarding Land Use Table, as set forth below:

SECTION 14. TABLE OF LAND USES IN THE SHORELAND ZONE

TABLE 1 LAND USES IN THE SHORELAND ZONE					
Land Use Districts	<u>Shoreland Districts</u>				
	RP	SR	SB	CF I	CF II
<u>18.3 Community Docks</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>

Amend Section 15, regarding Land Use Standards, as set forth below:

15.1. Minimum Lot Standards Table		
	Minimum Lot Area (square feet)	Minimum Shore Frontage (feet)
Residential per dwelling unit		
1. Within the Shoreland Zone adjacent to Tidal Areas.	40,000	150
<i>Note: See sliding scale regarding frontage in Section 15.1.3</i>		
2. Within the Shoreland Zone adjacent to Non-Tidal Areas	40,000	200
3. Offshore Islands	40,000	150
Commercial per principal structure		
1. Within the Shoreland Zone Adjacent to Tidal Areas Exclusive of Those Areas Zoned for Commercial Fisheries I and II	40,000	200
2. Within the Shoreland Zone Adjacent to Tidal Areas Zoned for Commercial Fisheries I and II (for Commercial Uses Only)	NONE	NONE
3. Within the Shoreland Zone Adjacent to Non-Tidal Areas	60,000	300
Public and Private Recreational Facilities		
1. Within the Shoreland Zone adjacent to Tidal and Non-Tidal areas	40,000	200
<u>Community Docks</u>		
<u>1. Within the Shoreland Zone adjacent to Tidal and Non-Tidal Areas if improved with no structure other than the community dock</u>	<u>NONE *</u>	<u>60</u>

*Lot area must be sufficient, as determined by the Planning Board, to accommodate parking spaces for vehicles, vehicular circulation on the lot, loading and unloading areas, any float storage, and any access ramp.

-
-
-

15.2. Principal and Accessory Structures

15.2.1.2. For piers, docks, and wharves that do not serve as community docks, the sideline setback shall be 25 feet. The Codes Enforcement Officer may permit the sideline to be reduced if the abutter(s) agrees in writing and it is duly recorded in Cumberland County Registry of Deeds.

-
-
-

15.3. Piers, Docks, Wharves, Bridges, And Other Structures And Uses Extending Over Or Beyond The Maximum High Water Line Of A Water Body Or Within A Wetland.

-
-
-

15.3.4.3. The maximum width of community docks is as set forth in Section 15.23 of this Ordinance.

-
-
-

15.3.8. No new wharf, pier, dock, and/or float shall be constructed on a lot shown on a recorded subdivision plan that has deeded rights of access to a wharf, pier, dock, and/or float; provided, however, that the Planning Board may authorize a new community dock within that subdivision pursuant to Section 15.23 of this Ordinance if the applicant can demonstrate that the new community dock will significantly improve access to a wharf, pier, dock, and/or float for at least one-third of the lots within the subdivision and protect natural resources from overdevelopment.

-
-
-

15.23 Community Docks

15.23.1. Community docks shall have a maximum width of 6 feet and shall not extend below the mean low water mark or 100 rods seaward from the mean high water mark, whichever is closer to the mean high water mark (not including ramps and floats). The proposed community dock shall not otherwise prohibit or unreasonably impede legitimate passage along a beach or through navigation over the waters for recreational or aquacultural purposes.

15.23.2. For a community dock that abuts a parcel located outside of the subdivision or a parcel in a different subdivision, the sideline setback shall be 25 feet.

15.23.3. The applicant shall provide sufficient legal documentation to demonstrate right, title or interest in the location of the community dock and that the community dock will remain as a community dock for the life of any such community dock. The applicant shall submit to the Planning Board the proposed easement deed or declaration of protective covenants demonstrating that permanent access and maintenance rights shall be granted to the parties sharing the use of the community dock, which shall be reviewed by the Town Attorney as to form. Upon approval by the Planning Board, the easement deed or declaration of protective covenants shall be recorded in the Cumberland County Registry of Deeds prior to the issuance of any building permit for the community dock.

15.23.4. An area where the float(s), if any, will be stored shall be designated on the plan.

15.23.5. Parking areas shall be adequately sized for the number of lots to be served by the community dock, with a minimum of one parking space for every three non-common open space lots within the subdivision to be served by the community dock. Parking areas shall be designed to minimize runoff and erosion. Where feasible, runoff will be retained on site and prevented from flowing directly into the water body, tributary stream, or wetland.

15.23.6. The design and construction shall not interfere with recreational intertidal lateral access.

15.23.7. The landward approach to a community dock shall minimize harm to vegetation on a coastal wetland, freshwater wetland or coastal bank.